

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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2005 MAY 25 P 12:57
CIVIL ACTION NO.: 04-12030 MLW

U.S. DISTRICT COURT
DISTRICT OF MASS

JEFFREY DANIELS,
Plaintiff

v.

NATIONAL RAILROAD PASSENGER
CORPORATION,
Defendant

NOTICE OF WITHDRAWAL OF APPEARANCE

TO THE CLERK OF THE ABOVE-NAMED COURT:


Kindly withdraw my appearance as attorney for the defendant, National Railroad
Passenger Corporation, in the above-entitled case.

The defendant,
By its Attorneys,



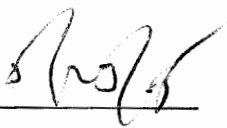
John P. Knight, BBO# 631052
MORRISON MAHONEY LLP
250 Summer Street
Boston, MA 02210
(617) 439-7500

CERTIFICATE OF SERVICE


I, John P. Knight for the defendant, hereby certify that I have this day served the foregoing **Notice of Withdrawal** to all counsel of record in this action by mailing same, by first class mail, postage prepaid to:

George J. Cahill, Jr., Esquire
CAHILL, GOETSCH & MAURER, P.C.
43 Trumbull Street
New Haven, CT 06510

Dated: _____



Attorney: _____



FILED
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2005 MAY 25 P 12:55

U.S. DISTRICT COURT
DISTRICT OF MASS.
CIVIL ACTION NO.
04-12393 (MLW)

TRICORE, INC.

VS.

SAFECO INSURANCE COMPANY OF
AMERICA and R.P. IANNUCCILLO &
SONS CONSTRUCTION CO.

MAY 20, 2005

DEFENDANT'S RULE 26(a) INITIAL DISCLOSURE

Pursuant to Fed. R. Civ. P. 26(a)(1), Local Rule 26.2 and Rule 2.02 of the Expense and Delay Reduction Plan, the Cross Claim Defendant, Safeco Insurance Company of America, hereby makes the following disclosures:

(A) The name and, if known, address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information:

1. Ira Sussman, Senior Claims Counsel, Safeco Insurance Company of America (General and specific knowledge of the subject bond claim and Safeco's investigation of the same);
2. Various representatives from Tricore, Inc. (Knowledge of the subject construction project and work performed by R.P. Iannuccillo & Sons Construction Company).
3. Various representatives from R.P. Iannuccillo & Sons Construction Company (Knowledge of the subject construction project and work performed by Tricore, Inc.).
4. The Defendant reserves its right to amend and/or supplement this disclosure at any time prior to trial.

(B) A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody or control of the party that the disclosing party may use to support its claims or defenses, unless solely for impeachment:

1. The complete project file of Cross Claim Defendant's Bond Principal (Tricore, Inc.) which is presently in the custody of Tricore, Inc. and part of which may be located at the law offices of Kutchin & Rufo, P.C., 155 Federal Street, Boston, Massachusetts.
2. The Project Owner's complete project file; the whereabouts of which is unknown.
3. The Surety's claim file which is in the custody of Safeco Insurance Company of America.
4. The Defendant reserves its right to amend and/or supplement this disclosure at any time prior to trial.

(C) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered:

Safeco does not assert any claim for damages at this time. Safeco reserves the right to supplement its Computation of Damages as appropriate.

(D) For inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment: NOT APPLICABLE

Safeco incorporates those Initial Disclosures made by the other parties to this litigation as if set forth herein. In addition, Safeco reserves the right to supplement this response as additional information becomes known through discovery.

CROSS CLAIM DEFENDANT,
SAFECO INSURANCE COMPANY
OF AMERICA

By 

Dennis C. Cavanaugh
Brown Raysman Millstein Felder &
Steiner LLP
Its Attorneys


CERTIFICATION

This is to certify that on May 20, 2005, a copy of the foregoing was mailed, postage pre-paid or delivered electronically or by facsimile to the following:

Bradford Carver, Esq.
Jonathan C. Burwood, Esq.
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Edward D. Kutchin, Esq.
Kutchin & Rufo
155 Federal Street
Boston, MA 02110


Dennis C. Cavanaugh